

## **REMARKS**

### **The Amendments**

The claims are amended to render the current grounds of rejection moot.

It is submitted that the above amendments would put the application in condition for allowance. The amendments do not raise new issues or present new matter and do not present additional claims. The amendments have been made to direct the claims to the subject matter which appears to be in condition for allowance. Accordingly, it is submitted that the requested amendments should be entered.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

### **The Rejection under 35 U.S.C. §112**

The rejection of claim 16 under 35 U.S.C. §112, first paragraph, for lack of enablement, is believed to be rendered moot in view of the above-amended claims.

Applicants' amendment removes the recitation of methods of treating type I diabetes. Claim 16 is now directed only to methods for treating type II diabetes, which the Office action indicates are enabled. Although applicants do not agree that the evidence of record supports that treatment of type I diabetes is contraindicated, the claims have been amended to render this issue moot and advance the application to allowance.

It is submitted that the application is in condition for allowance. But the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/John A. Sopp/

---

John A. Sopp, Reg. No. 33,103  
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: 01-1386

Date: October 16, 2008  
JAS:sb